

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Hunter Killer Productions, Inc. et al.,) **Case No.: 1:19-cv-00168-LEK-KJM**
Plaintiffs,) (Copyright)
vs.)
Qazi Muhammad Zarlish, et al.) **DECLARATION OF COUNSEL;**
Defendants.) **EXHIBITS “1” AND “2”**

DECLARATION OF COUNSEL

KERRY S. CULPEPPER hereby declares under penalty of laws of the United States that the following is true and correct.

1. I am an attorney and represent the Plaintiffs, I have personal knowledge of the matters stated herein, and this declaration is given in support of Plaintiffs' Motion for Order Authorizing Alternate Service of Process on Defendant Hoan Pham filed on June 15, 2019 ("Motion") [Doc. #21].

2. Exhibit "1" attached to this declaration is a true and correct copy of a reply email I received from Defendant Hoan Pham <hoan.pham@live.com> on June 20, 2019.

3. The email address <hoan.pham@live.com> is the Internet Service

Provider Choopa LLC dba Vultr (“Choopa”) indicated was the email address of Defendant Hoan Pham. See Exhibit 1 to the Motion [Doc. #21-2].

4. The reply email includes an image as an attachment. Exhibit 2 attached to this declaration is a true and correct copy of the image. Exhibit 2 shows that Google Ad Sense terminated the account of Defendant Hoan Pham due to copyright violations.

5. In the last paragraph of the email, I believe Hoan Pham is referring to the allegations in paragraphs 114-119 of the Complaint [Doc. #1].

6. Exhibit 1 to the Motion [Doc. #21-2] is a document Choopa provided to Venice PI, LLC on Dec. 10, 2019 in response to a request for information regarding the customer(s) assigned Internet Protocol (“IP”) address 45.77.20.245 for webhosting between 11/25/2018 and 11/29/2018. The account information in the document indicates that the email address of Defendant Hoan Pham is <hoan.pham@live.com>. *See* pg. 1 of Exhibit 1 to the Motion [Doc. #21-2]. As shown in pgs. 2-3 of the document, Defendant Hoan Pham used the email address <hoan.pham@live.com> to communicate with Choopa. *Id.* at pgs. 2-3.

7. Exhibit 2 to the Motion [Doc. #21-3] is an email exchange between Defendant Hoan Pham and me from email address <hoan.pham@live.com> on December 10, 2018. During this conversation, Defendant Hoan Pham asserts that he has nothing to do with the website.

8. Exhibits 3 and 4 to the Motion [Docs. ##21-4, 21-5] are true and accurate copies of documents Domain Registrar Namecheap provided to Venice PI, LLC in response to a request for information regarding the for information regarding the domain owner and registrant of showboxofficial.com. Exhibit 3 shows that Defendant Hoan Pham, while using the username hoanpv01, registered the domain showboxofficial.com on 9/16/2018 under the registrant name “Elizabeth Roberts” with the email address elizabeth.r9827@gmail.com. Exhibit 4 shows that Defendant Hoan Pham changed the username from hoanpv01 to username elizabethroberts on 11/26/2018 and registered the email address elizabethr9827@gmail.com.

10. Exhibit 5 to the Motion [Doc. #21-6] is a true and accurate copy of an excerpt of an email Domain Registrar Namecheap provided to Venice PI, LLC in response to a request regarding the relationship between various usernames. Notably, the email indicates that username hoanpv01 registered showboxofficial.com and changed the username to elizabethroberts. This portion is reshown below.

2) hoanpv01 - no relations (Hoanpv01 registered showboxofficial.com and then pushed it to elizabethroberts. There are no accounts related by payment.)

11. Exhibit 6 to the Motion [Doc. #21-7] is a true and accurate copy of an email exchange between Defendant Hoan Pham and me from email address <elizabethr9827@gmail.com> on December 16, 2018. In these emails, Defendant Hoan Pham falsely identifies himself as Elizabeth J. Roberts.

12. Exhibit 7 to the Motion [Doc. #21-8] is a true and accurate copy of an email exchange between Defendant Hoan Pham from email address hoan.pham@live.com and me on January 19-20, 2019. In this exchange Defendant Hoan Pham admits to controlling the website showboxofficial.com.

13. Exhibit 8 to the Motion [Doc. #21-9] is a true and accurate copy of a letter received from Margaret Boyle of FedEx via email on June 14, 2019 explaining the circumstances behind the unsuccessful delivery of the package including the complaint, summons, scheduling order (in English and Vietnamese) to Defendant Hoan Pham.

14. Exhibit 9 to the Motion [Doc. #21-9] is a true and accurate copy of an email I sent to Defendant Hoan Pham via address <hoan.pham@live.com> on June 6, 2019 requesting his address information.

I declare under the penalty of perjury that the foregoing is true and correct.

DATED: Kailua-Kona, Hawaii, July 3, 2019.

CULPEPPER IP, LLLC

/s/ Kerry S. Culpepper
Kerry S. Culpepper

Attorney for Plaintiffs